

**REMARKS**

Claims 1-11 are all the claims pending in the present application. Previously, claims 2-5 were indicated as containing allowable subject matter, however the Examiner now rejects all of the pending claims. Specifically, claims 1, 2, 4-6, and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno et al (U.S. Patent No. 6,914,516) in view of Yoshizawa (US Patent No. 6,414,586). Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa, and further in view of Lipshutz (US Patent No. 4, 583,148). Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa, and further in view of Mueller et al. (US Patent No. 6,140,914). Finally, claims 8-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa, and further in view of Espinosa (US Patent No. 5,448,218).

**§103(a) Rejections (Konno / Yoshizawa) - Claims 1, 2, 4-6, and 11**

With respect to independent claim 1, Applicant submits that the applied references, either alone or in combination, do not disclose or suggest at least, “said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information,” as recited in amended claim 1. In an exemplary embodiment, the present invention can relate to a “smart key-less system” in which an ID code is transmitted from a portable transmitter 1 and is checked against a code stored in immobilizer unit 2. When the ID code is good, an engine can be started ON/OFF in accordance with the check results by communication between immobilizer unit 2 and ECU 3 (including a fuel injection device and so

on). In the prior art, when a driver wants to start this vehicle (e.g., a motorcycle), the above check processes must be repeated. An exemplary object of the present invention is to permit starting without repeating the above check processes, when the engine is restarted in a relatively short period (within a predetermined time) after being started once by executing the above check processes. This can be done by storing the permission information in a nonvolatile memory. Thereby, the engine can be restarted promptly (see, page 18 last paragraph to page 19 second paragraph in the specification), enabling operation of a motorcycle.

Therefore, at least based on the foregoing, Applicant submits that claim 1 is patentably distinguishable over the applied references, either alone or in combination. Applicant submits that independent claim 2 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 4-6 and 11 are patentable at least by virtue of their respective dependencies from independent claims 1 and 2.

*Rejections of Dependent Claims and 7-10*

Applicant submits that dependent claims 7-10 are patentable at least by virtue of their respective dependencies from independent claims 1 and 2. The tertiary references do not make up for the deficiencies of Konno and Yoshizawa.

. In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 10/697,049**

**ATTORNEY DOCKET NO. Q77939**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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